

OCT 24 2005

Effective on 12/08/2005 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)		Complete if Known	
<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2005</h2>		Application Number	10/686,440
		Filing Date	October 14, 2003
		First Named Inventor	Donald E. Ackley
		Examiner Name	N. Bowers
		Art Unit	1744
		Attorney Docket No.	612404-430
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$65.00)			

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-2862 Deposit Account Name: O'Melveny & Myers LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = _____ x _____ = _____
 HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = _____ x _____ = _____
 HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

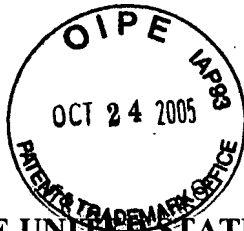
Total Sheets - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____
 Number of each additional 50 or fraction thereof

4. OTHER FEE(S)
 Non-English Specification, \$130 fee (no small entity discount)
 Other (e.g., late filing surcharge): Terminal Disclaimer 65.00

SUBMITTED BY		Registration No. 56,489	Telephone 949.760.9600
Signature	<i>Jennifer M. Pascua</i>	(Attorney/Agent)	
Name (Print/Type)	Jennifer M. Pascua	Date	10/20/05

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent US 275C1
Attorney Docket: 612,404-430

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Donald E. Ackley et al.

Serial No.: 10/686,440

Filed: October 14, 2003

For: MULTI-CHAMBERED ANALYSIS
DEVICE

Group Art Unit: 1744

Examiner: N. Bowers

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jennifer M. Pascua, represent that I am an attorney of record for the above-identified application. Nanogen, Inc. (hereinafter referred to as "Nanogen") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventors to Nanogen. The assignment was recorded in the Patent and Trademark Office on February 26, 1999 (in parent application Serial No. 09/204,324), on Reel 9804, Frame 0158.

Nanogen hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,309,602, 6,319,472, 6,638,482 and 6,375,899. Moreover, Nanogen hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,309,602, 6,319,472, 6,638,482 and 6,375,899, this agreement to run with any

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by Facsimile to Examiner Barton of the United States Postal Service on the date shown below to (571) 273-1307

10-20-05
Date of Transmission
NB1:666568.1

Denise N. Doss
Denise N. Doss

10/26/2005 RHEBRAHT 00000012 502862 10686440
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patent granted on the above-identified application and to be binding upon Nanogen, its successor, or assigns.

Nanogen does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 6,309,602, 6,319,472, 6,638,482 and 6,375,899 in the event that the patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

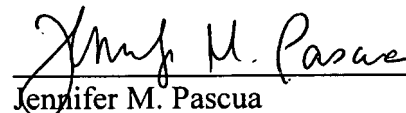
The Commissioner is hereby authorized to charge \$ 65.00 to Deposit Account No. 50-2862 for the above fee(s). If any additional fees are necessitated by the filing of this document, please charge Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: October 20, 2005

By:



Jennifer M. Pascua

Reg. No. 56,489

Attorneys for Applicant

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